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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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March 14, 2022

BY ECF

Honorable Vincent Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Civil Rights Corps, et al. v. Georgia Pestana, et al.*, 21-cv-9128 (VM)

Dear Judge Marrero:

The Office of the Attorney General ("Office") represents defendants Andrea E. Bonina, and Hector LaSalle, Presiding Justice of the Supreme Court of the State of New York, Appellate Division for the Second Department, in the above-referenced action. Pursuant to Rule I(F) of the Court's Individual Practices, we write to request: (1) an extension of time for the submission of the opposition to Plaintiffs' partial motion for summary judgment ("Motion"), and (2) an increase in the number of pages from 25 to 30 for the memorandum of law that will be submitted by this Office.

As per the current schedule, Plaintiffs filed their Motion on February 22, 2022. ECF 61, 63-66. The current deadline for the defendants' oppositions is March 22, 2022. ECF 61. Since the issuance of that schedule, I underwent neurovascular surgery on March 8, 2022 and have been in recovery thereafter. Based on the resulting medical leave, I request a brief extension until March 31, 2022 for this Office's submission.

Counsel for the remaining parties have graciously consented to this extension. Plaintiffs have in return suggested that the extension request for this Office's opposition apply to all defendants' oppositions. They also suggested an extension of the deadline for their consolidated reply at this juncture, resetting that date from April 5, 2022 to April 14, 2022. *See* ECF 61. Counsel all agreed to these scheduling changes.

Separately, this Office requests an enlargement of the 25-page limit to 30 pages pursuant to Rule II(D)(2) to allow for thorough response to the constitutional issues raised by the Motion. As Judiciary Law § 90(10) has not been challenged in this manner since it became law in 1945, this Office believes that the circumstances fit into the "rare cases" category, in which a small enlargement could be considered appropriate. *See* Rule II(D)(2). Plaintiffs take no position on

this request, and counsel for the other defendants have consented.

These two requests are the first of their kind sought by this Office for this Motion.

Thank you for your time and consideration of this matter.

Sincerely,

/s/ Elizabeth A. Figueira

Elizabeth A. Figueira
Assistant Attorney General

Request GRANTED.

All defendants' oppositions to the motion for partial summary judgment shall be due March 31, 2022. Plaintiffs' reply is due April 14, 2022.

The page limit for the Office's memorandum of law shall be expanded to 30 pages.

SO ORDERED.

3/15/2022

DATE



VICTOR MARRERO, U.S.D.J.